

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

HYPERQUEST, INC.,

Plaintiff,

v.

NUGEN I.T., INC., and DAYLE PHILLIPS,

Defendants.

Case No. 1:08-cv-00485

**DEFENDANTS' MOTION TO DISMISS  
FOR LACK OF PERSONAL  
JURISDICTION &  
TO DISMISS DEFENDANT PHILLIPS  
FOR FAILURE TO MAKE A SPECIAL  
SHOWING OF PERSONAL LIABILITY**

Defendants, NuGen I.T., Inc. and Dayle Phillips, by and through their attorneys, respectfully ask this Court to enter its Order dismissing them pursuant to Fed.R.Civ.P. 12, for lack of personal jurisdiction over the Defendants, and for failure to make a special showing of personal liability as to Defendant Dayle Phillips. Supporting affidavits and a Memorandum are submitted simultaneously herewith.

**REQUEST FOR RELIEF**

Defendants NuGen, I.T., Inc. and Dayle Phillips respectfully ask that this Court enter its Order:

1. Dismissing them both for lack of personal jurisdiction;
2. Dismissing this matter against Defendant Phillips for failure to make a special showing that he could be held personally liable;
3. Awarding Defendants' fees and costs incurred in bringing this Motion; and
4. Awarding such other, further, and different relief, as this Court deems just.

Dated this 4th day of March, 2008.

Respectfully submitted,

NOVACK AND MACEY LLP

By: /s/ Kristen Werries Collier

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Attorneys for Defendants

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 4th day of March, 2008, I electronically filed the foregoing Defendants' Motion To Dismiss For Lack Of Personal Jurisdiction & To Dismiss Defendant Phillips For Failure To Make A Special Showing Of Personal Liability using the CM/ECF system which sent notification of such filing to all counsel of record, properly addressed as follows:

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